



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2012 REGULAR SESSION

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HOUSE BILL NO. 71

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MONDAY, JANUARY 23, 2012

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 11, 2012  
11:09 am  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Am Perry

1 AN ACT relating to probate fees.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 61.315 is amended to read as follows:

- 4 (1) As used in this section, "police officer" means every paid police officer, sheriff, or  
 5 deputy sheriff, corrections employee with the power of a peace officer pursuant to  
 6 KRS 196.037, any metropolitan or urban-county correctional officer with the  
 7 power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any  
 8 auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety  
 9 officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or  
 10 employed by any county, airport board created pursuant to KRS Chapter 183, city,  
 11 or by the state; "firefighter" means every paid firefighter or volunteer firefighter  
 12 who is employed by or volunteers his or her services to the state, airport board  
 13 created pursuant to KRS Chapter 183, any county, city, fire district, or any other  
 14 organized fire department recognized, pursuant to KRS 95A.262, as a fire  
 15 department operated and maintained on a nonprofit basis in the interest of the health  
 16 and safety of the inhabitants of the Commonwealth and shall include qualified  
 17 civilian firefighters employed at Kentucky-based military installations.
- 18 (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with  
 19 the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-  
 20 county correctional officer with the power of a peace officer pursuant to KRS  
 21 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant  
 22 to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087  
 23 and 83A.088, firefighter, or member of the Kentucky National Guard on state active  
 24 duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve  
 25 component on federal active duty under Title 10 or Title 32 of the United States  
 26 Code who names Kentucky as home of record for military purposes, whose death  
 27 occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall

1 receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no  
 2 surviving children, which sum shall be paid by the State Treasurer from the general  
 3 expenditure fund of the State Treasury. If there are surviving children and a  
 4 surviving spouse, the payment shall be apportioned equally among the surviving  
 5 children and the spouse. If there is no surviving spouse, the payment shall be made  
 6 to the surviving children, eighteen (18) or more years of age. For surviving children  
 7 less than eighteen (18) years of age, the State Treasurer shall:

8 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and

9 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts  
 10 at appropriate interest rates for each surviving child until the child reaches the  
 11 age of eighteen (18) years.

12 If a child dies before reaching the age of eighteen (18) years, his or her account shall  
 13 be paid to his or her estate. If there are no surviving children, the payment shall be  
 14 made to any parents of the deceased.

15 (3) The Commission on Fire Protection Personnel Standards and Education shall be  
 16 authorized to promulgate administrative regulations establishing criteria and  
 17 procedures applicable to the administration of this section as it pertains to both paid  
 18 and volunteer firefighters, including but not limited to defining when a firefighter  
 19 has died in line of duty. Administrative hearings promulgated by administrative  
 20 regulation under authority of this subsection shall be conducted in accordance with  
 21 KRS Chapter 13B.

22 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations  
 23 establishing criteria and procedures applicable to the administration of this section  
 24 as it pertains to police officers or any metropolitan or urban-county correctional  
 25 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers  
 26 or deputy jailers, including but not limited to defining when one~~[a police officer]~~  
 27 has died in line of duty. Administrative hearings promulgated by administrative

1 regulation under authority of this subsection shall be conducted in accordance with  
 2 KRS Chapter 13B.

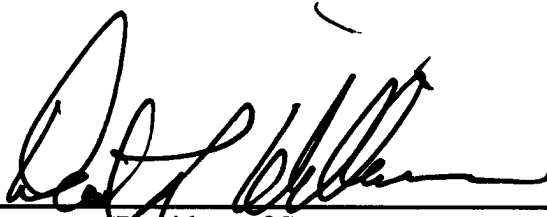
3 (5) The Department of Corrections shall promulgate administrative regulations  
 4 establishing the criteria and procedures applicable to the administration of this  
 5 section as it pertains to correctional employees, including but not limited to defining  
 6 which employees qualify for coverage and which circumstances constitute death in  
 7 the line of duty.

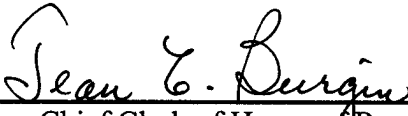
8 (6) The estate of anyone whose spouse or surviving children would be eligible for  
 9 benefits under subsection (2) of this section, and the estate of any regular  
 10 member of the United States Armed Forces who names Kentucky as home of  
 11 record for military purposes whose death occurs as a direct result of an act in the  
 12 line of duty, shall be exempt from all probate fees, including but not limited to  
 13 those established by the Supreme Court of Kentucky pursuant to KRS 23A.200  
 14 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

15 (7) The benefits payable under this section shall be in addition to any benefits now or  
 16 hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or  
 17 National Guard or Reserve retirement or benefit fund established by the federal  
 18 government or by any state, county, or any municipality.

19 ~~(8)~~(7) Any funds appropriated for the purpose of paying the death benefits described  
 20 in subsection (2) of this section shall be allotted to a self-insuring account. These  
 21 funds shall not be used for the purpose of purchasing insurance.

  
Speaker-House of Representatives

  
President of Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 4-11-12